COMMISSIONER SMITH: Okay. I'm not shy, as many of you know. I guess what I'd like to start with, first of all, I appreciate all of your statements. I think that in terms of really what I'm hoping to come out of this hearing with is some really solid directions that we might go in based on your expertise. And so given that, I think there's a remarkable amount of agreement around training, policy, curriculum, those things that everybody agrees on, but I want to ask you some of the really hard questions.

My sense is that at your level there's a lot of agreement about what should happen, but following up on what the judge said, I think one of the things that I've heard from all of your statements is this issue about solid recruiting, right, and some sort of way to do prescreening of staff because I believe that that's where a tremendous amount of vulnerability comes in.

And so I would be interested in hearing from you whether there are programs or projects that you know of who have started addressing that issue because certainly that's an issue that we hear of a lot. So, hiring and selection tools that people are using and then also sort of methodologies for
supporting people once they're in because, again, another thing that we hear is that when people come out of the training academy, they're great, but that what happens is that they may need coaching or mentoring once they're in the environment. And so I would be interested in hearing something about that.

MR. STALDER: I'll be very, very brief in turning over to the colleagues. I would hope that this commission would advocate for equitable and fair pay for the people who work in the justice system in the United States. And I will use Louisiana as a horrible example. We're probably the lowest paid in the nation. If you're a correctional officer in Louisiana, you start at $18,000 a year. Your group insurance is $400 a month.

You pull up to the gas pump and pay the same $2.50 a gallon that we pay for gas and our ability to recruit and retain the caliber of staff that are required to assure safety and stability in our institutions and in our justice system is a function of what we pay and I simply would ask this commission in its report to advocate for a decent wage for the hard working men and women in the justice system in America.

MR. HORN: I would echo that. I think to
key off it, I think staff turnover is a killer and
so you've got to make corrections working in a
prison or jail a rewarding career, one in which a
person has a professional identity. So the
starting salary has to be adequate. In New York
City our entry salary today is $25,100. That's the
city of New York, $25,100. The poverty rate in New
York City for a family of four is $20,000. So
we're paying just about a little bit more than the
poverty rate. We've got correctional officers on
food stamps. That is unconscionable.

The more you have turnover, the more you don't
provide for act of pensions and incentives for
employees to remain with you and to make an
investment in your culture, the more you're going
to have to recruit and it's just going to drive a
problem.

I want to go back to what I said. It's about
creating a culture. It's about getting people to
internalize a value system that understands that
they have a responsibility, a morale and legal
responsibility as professionals.

I think in New York City we administer
psychological screening to our staff. Our
correctional officers attend a five-month basic
training program before they're assigned to the
jails. Each year they take an additional 40 plus hours of inservice training, but it all has to be around culture.

I think we have to look at the training curricula that we use. I think we have to look at the language that we use. I think we all have to learn to become more comfortable talking about one of the issues we're dealing with in New York, speaking in a sensitive and thoughtful way about transgender inmates, figuring out a way to deal with the special problems that they present. Those are training challenges.

Training takes time, training takes money. You'll have to have sufficient staff to relieve the staff that go to training, which means that you've got to be budgeted to have that relief. You've got to have the money to pay and the place for training and the people to do the training. And beyond that, I think that it's about creating a value system and every manager at every level has to talk about it every day.

MR. RYAN: Let me just add a couple items to it. To put it in perspective for jails our size, which has just under 4,000 inmates. I have 1,027 officers. We select one out of 47 every applicants. So, essentially, last year we had 5,000 applicants and 100 people were selected out
of it. So we have a pretty sincere and appropriate selection process. We try to pick the right people for the right job. Obviously, at times we do not do that.

I would add that one of the areas that you mentioned. Once they really leave the academy, they come and they connect with the officers that are on site. One of the areas that we have is a jail training officer program where a senior officer has been previously trained and takes you under their wing to ensure that you know what the rules are. The catch with that one is to make sure you've selected the right officer to be the training officer.

As a follow-up to that, your supervisors, as well, needs some specialized training in leadership and not simply be promoted because they're the most senior person on the line, but to have some skills and ability to lead people in the proper way. So the modeling in the supervision environment is an important area there as well. So I will leave that as a thought.

MR. OXLEY: I think we do a good job of selection, but the problem with the turnover, you're constantly going through that pool, constantly looking for additional folks. But I
think as the wages have come up, we've seen at

least in Monmouth County in New Jersey more and
more folks are choosing corrections as a career.
And they're actually staying with us.

I can tell you ten years ago when I first
started as sheriff, a lot of folks used it as a
stepping stone, but now because the wages are
better in Monmouth County, it's viewed more as a
profession. But I can tell you that certainly at
the state level, federal level, county level,
corrections has always been kind of the stepchild
of Government. The first places that legislators
and the first places that our policy decision
makers are looking to make cuts is generally in
corrections. I can proudly tell you that I haven't
taken a dime out of our training budget, which is a
good thing because we are able to do above and
beyond, are able to do inservice training.

I believe that training cannot stop once you
get out of the academy, that that is just the
beginning. But whatever comes out of this,
wherever we go with your commission and wherever we
go with our charge, you need to bear in mind that

whatever training we're doing is generally at

overtime, whatever training we're doing, we're
generally pulling people off post. So it does cost money. It is going to be a factor. As county, state, municipal budget folks are looking at this, it is going to cost. And I believe that that's something that has to be factored in there and has to be emphasized. At most facilities the training is either done at overtime or you may be able to pull some folks off line, but for the most part the facilities, larger facilities in any event, you're pulling enough folks off line to put a class together and there is going to be a financial component to getting the training done.

THE CHAIRMAN: Yes?

COMMISSIONER FELLNER: First I want to thank you all for being here. The ability of the commission to do its work is going to depend greatly on the good faith and wisdom which you share with us, so thank you.

I wanted to turn to the question of the ACA standards. Secretary Beard provided some and my printout didn't have all of that related to sexual abuse, they may or may not, so I can't be sure. But it seems they primarily dealt with inmate on inmate sexual abuse, and there was only one or two, if I recall, that dealt with staff sexual abuse. And as you know, the commission is concerned about
the staff sexual abuse, as well as inmate on
inmate. So I wanted to hear your thoughts as to
whether we should have and, perhaps, the ACA itself
should have other standards. And later I hope we
talk about what it means to have performance based
standards, but simply standards that would help
address staff sexual abuse.

For example, Commissioner Horn, you mentioned
that there should be a duty for officers to report
misconduct. We all know that code of silence is a
major problem. Should there be a standard, a
mandatory standard that it is in the rules that the
officers will be terminated or sanctioned for
failure to report and that officials take every bit
as seriously to investigate failure to report or
failure to provide honest testimony when asked as

misconduct itself? Should there be standards that
require confidential hotlines and reporting systems
so that inmates who fear retaliation have some
place to go? Should there be standards that
require some kind of independent oversight to
prevent the kind of in sort of dynamic that can
occur in closed institutions? Are there other
standards that you would recommend that we consider
that will help strengthen your ability and the
ability of correctional administrators across the
country to put an end to staff sexual abuse?
MR. HORN: Let me answer you this way. I want to be very clear about what I said. I said that the law should create a duty to report, that there should be a legal duty to report imposed by law. So I wouldn't even go to standards. It should be a legal standard in every state.

With respect to some of the other things that we spoke about, certainly policies requiring -- and I said in my statement, I'll repeat again, I believe very deeply, and we do this in New York, that there must be multiple avenues to report and there must be confidential means of reporting. I also said that I believe that there should be independent investigations of allegations of staff assault conducted by personnel from outside the facility where it occurred, either Inspector General's office or Internal Affairs unit or a prosecutor's office.

So certainly to the extent that our standards can by improved by including provisions for confidential hotline reporting, for requiring investigation of these assaults by staff from outside the facilities, certainly those would be improvements.

COMMISSIONER FELLNER: And would you recommend those improvements?
MR. HORN: Yes.

COMMISSIONER FELLNER: Would you make them mandatory or voluntary standards?

MR. HORN: We have a process that we go through and I'm not going to hazard an answer to that today. We have a process that I think is a fairly sophisticated one, committees that consider these things and make the decision about whether they should be mandatory.

I think one of the things that you have to be sensitive to as you get into this is like management relations. There are issues that are unique in every jurisdiction that are governed by contract and by civil service law, and so you would want to be careful about what standards does not create a situation where in order to comply, an organization is out of compliance with its own statute or by virtue of complying with its statute or its contractual obligations can't meet the standard. And in those cases I think that changes to state law can fix that problem.

COMMISSIONER FELLNER: Well, I hope today or at other hearings we will take on those questions of labor contracts and civil service rules and how they help or hender your ability to respond to sexual abuse. But I wondered if other members of the panels have thoughts as to what
MR. STALDER: I think I would like to say two things, I guess. First of all, Glen Goord, who is the third chairman of the standards committee for the American Correctional Association will testify later today and speak, I think, very directly to these points.

But as a past president of the American Correctional Association, as the current president of ASCA, I can assure you that I will advocate strongly that the American Correctional Association and the Commission on Accreditation of Corrections through the standards committee promulgate, adopt, implement and operationalize sophisticated standards that will help to minimize the incidents of abuse in our prisons. It's a very dynamic process, which Commission Horn pointed out. And I think you'll find that we will advocate for partnership with your commission to develop standards that the standards committee can review and implement and operationalize that will affect literally hundreds of thousands of lives in our justice system.
COMMISSIONER FELLNER: I appreciate that.

I wonder if you have any specifics based on your experience, long experience in corrections, or would you like to send them in, perhaps, in a letter or follow-up? And I hope everyone will follow up.

We need specifics. What standards that are not currently in the ACA standards do you think we should recommend to strengthen correctional ability to prevent and respond when it happens just outside of the --

MR. STALDER: I would be delighted to work with President Chung (ph.), with Standards Committee Chairman Goord and with Executive Director Gondals (ph.) to propose to this commission a very specific set of standards that will address the concerns that you have.

MR. HORN: And if I may, let's draw your attention in my written statement. In my written statement I said, Inmates must go along with meaningful orientation upon entry to prison, that is done and designed to encourage reporting of sexual assault or any sexual abuse by staff or other inmates. I don't know what more of a recommendation you need. They should be advised that they don't have to the victims, that they have the right to be safe. That should be a standard
policy. They should be told what they can do to make themselves safer and what not to do to avoid situations that are unsafe.

Prisons and jails must provide multiple avenues for inmates to report assaults. Every allegation must be investigated properly and comprehensively. Prisons and jails, I say it, should have policies that impose on staff the duty to report any information regarding sexual assault or abuse. The special procedures to ensure that independent parties outside the prison or jail investigate allegations against staff. There should be written protocols for the creation of crime scenes and preservation of physical staff. Staff must be better trained. It's there.

MR. CHAIRMAN: Commissioner Nolan.

COMMISSIONER NOLAN: I just met Mr. Oxley today. Your dedication to safety and to running top-notch institutions precedes you and your dedication to professionalizing the corrections profession.

Secretary Stalder, you said that we need to have an accurate count. I agree. Commissioner Horn said one is bad. But to deal with it, we need to know the extent of the problem and the nature of where it's coming from.
You mentioned the BJS survey. And I would just like to tell you one of the sticking points with them is the survey they have developed asks a lot of prequestions about consensual sex in prison. And in the studies and surveys of which in my political life I was very developed in, you do that. You soften up the person you're interviewing with a bunch of just generalized questions before you get to the meat of the question.

Our concern, though, is for the inmate population asking a whole bunch of questions about consensual sex, many of us feel will be a barrier to their completing the survey, because in the prison context the only sex that's allowed is forced sex. Consensual sex is always a violation of the rules. And so if you start the questionnaire asking about consensual sex, you're asking every inmate to rat on himself, to say he's violated the policies. And knowing the suspicion that inmates have of authority any time they're asked anything, we feel that may, indeed, impede the accuracy of the survey and I would like your reaction.

Based on the inmates you have, if you ask a whole bunch of questions questioning asking them to admit to consensual sex before you've got the part about forced sex, might that not, indeed, impede of...
participation in the study and, therefore, degrade
the quality of the results.

MR. STALDER: I want to answer your
question and I am going to go way out in left field
on you to start with, so please forgive me for
that.

One of the things that y'all have enabled us
to do as a business, have helped us to do, is to

promote the accreditations process of focus on
outcomes, you know, not the process. It's not what
is your process, but what outcomes do you have, or
are you really safer with those outcomes.

One of the things we have done through the
Association of State Corrections Administrators is
work very hard over the last five years to adopt
uniformed methods of performance measurement so
that you as commissioners can ask a question of us
as practitioners how much does this happen and we
can answer you from a common denominator, a common
definition.

One of the things that your congressional
authority gave you the ability to do was to say to
the Bureau of Justice Statistics, go out and help
everybody count the same. Because as simplistic as
it may be, we argued for a year about what an
escape was four years ago. I mean you would think
everybody knows that. But when you really get down
to how do you count, it becomes very difficult.

So, what you have done is pushed us faster and
further along the path of uniformed reporting. And

I can tell you systems across the country are
adapting their inmate rule books and their employee
rule books to the definitions that you subscribe to
and to the effects of the abusive behaviors that go
on. Now that, I think, Commissioner Nolan, is very
meaningful. I think that's very important. I
think you're helping us do that.

Now, you also enabled different branches of
justice to go out and do the very type of surveying
that you're talking about. And what's being done
through the Urban Institute and ASCA in
partnership. It's been done by NIJ. It's been
done in a way that I can't speak to the methodology
for you technically, but I can say that one of the
things we spent two years on was audio computer
self-reporting where the design of the researcher
was to make sure that the inmates didn't have to
face the very problem that you raise, a very
legitimate problem, so that they could do it in a
way that did not imperil them in terms of their
status within the institution either to admit to
something, to provide a factual basis for
COMMISSIONER NOLAN: But in your experience of inmates, given their suspicions of authority, you think asking about them consensual sex, which is not part of the purview of the Prison Rape Elimination Act, asking them questions, will that make it more likely or less likely that they'll complete the survey?

MR. STALDER: Well, I'm going from left field back to the pitcher's mound. I think it's probably less likely. And I think that that is an area that you bring forward that's a very legitimate area and I think that's why the researchers have spent so much time trying to figure out how do you interview, how do you ask, how do you talk about --

COMMISSIONER NOLAN: My only point is you said "cooperative with the BJS. They turned a blind eye to that. And I think corrections needs to weigh in because we need a valid survey. We need as much participation as possible. And if something, because they don't understand the inmate mentality, leads them to ask a whole bunch of questions that will turn inmates off and have them not fulfill the survey, we won't have an accurate
baseline. And so this is something, I think, corrections needs to weigh in with BJS and say, we have real concerns about the methodology you're using because of the inmate mentality.

MR. HORN: If I may, let me just say one of the reasons that I'm correctional administrators is that I'm really not a good statistical methodology type of person. I don't know what your background in methodology is, but I'll tell you who I think is a really sensational statistician and that's Alan Beck.

COMMISSIONER NOLAN: I'm asking your experience as a correctional officer would an inmate be more -- because he doesn't have experience with inmates. This is behavior of inmates. Will inmates be more likely or less likely to fill out a survey if you ask them about consensual sex.

MR. HORN: He answered that. He answered that. Sitting here today, I don't know the answer to that question. They may be. They may be. They may not be. What I do know is this: Mr. Beck and his colleagues take their responsibilities under the statute extraordinarily serious.

New York City, the New York City jails, are one of the test sites for the ACOSI (ph.) survey. We've done the first run.
The reason that they're doing it is to validate it, to determine its reliability. I believe that if those statisticians believe in their professional judgment that the manner in which questions are being asked or the order in which questions are being asked are skewing the results that they will change them to avoid skewing the results.

COMMISSIONER NOLAN: I will just end on this comment. Please, all of you that are correctional administrators, don't blow past this concern. Think about from your professional experience dealing with inmates what the impact of this will be. Don't be blind to bureaucrats because we need real accurate baseline statistics. So listen to the concerns this commission has expressed and whatever you can, work with those that are administrating this so we get accurate baseline surveys. And just all of what we do will depend on the accuracy so we know what we're doing dealing with, you and us.

MR. OXLEY: Could I just jump in right here, kind of putting the two questions together? I agree that the baseline statistics are certainly critical, but I think once we start to look at policies and procedures, it's been said certainly
we have to change laws throughout the United States, whether it's at state or federal level because the ACA is a voluntary process. We're nationally accredited by ACA because we chose to do that. But I did mention earlier that we are inspected. Because we house federal inmates, we have a federal inspection, we can make it part of the federal inspection that these policies and procedures are in place. State of New Jersey, the New Jersey Department of Corrections comes in and inspects our facilities. I think if we make whatever standards they want part of that, then we will ensure compliance throughout the United States. And I think it's wonderful that the people get involved in the ACA. I think as an administrator it's outside eyes and ears coming to look at my facility. That's a good thing, same thing with the National Commission on Correctional Health Care.

It's a good thing when outsiders come in and take a look at the place and there may be something that I can be doing a little bit better. There may be something, quite frankly, I'm doing very well and they take back with them. But I think to change this, to address the problem across the United States, we've got to do something to change the laws and we need to do something, whatever
mechanisms are in place from state to state when they're doing the state wide inspections.

MR. RYAN: Several states have now put in place relative to Ms. Fellner's comments laws talking about a duty to tell the truth and respond

and so forth appropriate. California, I think, was one of them who was willing to do that. We shouldn't have to do that. If we do our job right and teach the code of ethics and all of that, it would be very nice. Unfortunately, we live in reality. Sometimes we have to do those types of things, so I'm supportive that.

Relative to the adult local facility standards, I think the ones that you see attached to my statement, section 7B-10 is probably important. It's in there, sexual assault. It's in there. Probably, you need to take a look at the curriculum to make sure it's strong enough. There's some other places to do that. So that's it.

Relative to Mr. Nolan's comment, I take those very seriously. We look at the Casio (ph.) report. But I would offer you one of the things to keep in mind from the commission. After the report is in, it's very valuable to me, as I mentioned, NIC and your commission allowed a focus group to come in
and talk to our inmates outside of myself standing

there or any officer to talk to them about what
they felt about them, what the truth was. I need
to say that I was very unfortunate because the
story that I thought was out there was actually
what they said, which was kind of nice. But, in
fact, that is a way to support whether we're
getting the right information. And all of us are
very concerned with the information to tell the
truth. And I would be concerned that the inmates,
for whatever reason, would not tell the truth or
would skew it in some fashion.

My hope is that, as Mr. Horn indicated, that
our folks can fair that out. And one of the ways
to do that is allow us to have focus groups come in
and take a look at the truth and see what happens.

COMMISSIONER KANEB: Mr. Stalder, we all
listened carefully to the needs that you folks have
from salaries to the obvious things. If $18,000 a
year is all you can get as a salary, and we see
$25,100 a year is what New York City starts with,
you've got a huge problem, talking what you know.
Just speaking for myself, I would certainly urge my

fellow commissioners to make very, very strong
points in our final report, and outside of that
report in conversations with, hopefully, a way to
get the federal government to put some of its money
into state programs that will help you do a number
of the things that you want to do to have quality
staff and make it a more attractive profession.

I mean we understand that asking people to
administer systems when they can pay the salaries,
you're talking about is asking, I don't want to say
the impossible, but it's asking the very difficult,
and you understand that very well.

We will be very urgent in working with you. I
read Mr. Horn's statement last night and it set off
a lot of the things that we would like to see
happen. But, actually making them happen on the
ground three to five to ten years from now is a job
that we won't be around to see occur.

So what we need to do is to ask you to work
with us not just in developing standards that we
will recommend, but trying to separate matters such
as has been raised here criminalizing under state

law a false testimony or unwillingness to give
testimony. That's going to be very difficult.
States that are required to do it, obviously will
do it. There has to be a way that the commission
working with you guys in your accreditation process
can, frankly, put the heat on states to criminalize
it if that's the way you feel it should go.

For the obvious ways, you won't accredit a prison in the state of, I don't know, Missouri that if Missouri has enacted legislative. I don't know if that's a practical political solution, but that's something that we would like to dialogue with you about on and ongoing basis.

What I think we hope is that with you folks and others we're going to hear from, but particularly ACA, ASCA, we want to work with you in developing the standards and listen to what you need and we want help from you.

And second, Pat Nolan, I will tell you right now that the most taxing problem, the majority the commissioner faces today in their opinion, is the order of questions in this questionnaire, putting a whole bunch of questions about have you committed or I should say participated in this sort of sex act, that sort of sex act before you even get to forced sex. So I'm not professional opinion diviner, I'm not a poll taker, but my common sense tells me that if I'm looking at an institution where sexual activity is against the rules, and I really don't have a lot of trust in authority anyway, the fact that I'm punching answers into a computer or I've been told no one is ever going to see it except God knows who, I'm not sure I believe
that when they start off asking me have I ever participated in consensual sex in prison.

We are very, very fearful of having a huge opportunity gather accurate data on a broad scale badly compromised and we've gone on record as saying that. But we're just looking to cooperate with you guys.

COMMISSIONER PURYEAR: I want to come back and follow you a little bit on the questions earlier and, in particular, Chief Ryan's questions. And to follow up on what John said, I think all of

us understand the pressures that you have alluded to and the challenges that present. Of course, one of the things that Congress does when they set up commissions like ours is say, fix this problem and, oh, by the way, you can't spend any money doing it. So that's not to say we can't advocate outside of the formal standards that we submit, but there are some limitations on what we can actually attempt to require from standards.

But, there are a lot of highly compensated individuals in the press today who have made bad ethical choices in the running of their businesses, for instance. And so pay alone is not a measure of the susceptibility of staff to misconduct. And I guess, Chief Ryan, you talked about one out of 47
that you have a screening process where you filter
out. I want to explore that with you, what your
screening process is, and with the other panel
members if you have prescreening testing or if
you're aware of other systems that use prescreening
testing that are particularly effective because it
seems to me that gauging the susceptibility of an
applicant, be a correctional officer, their
susceptibility to misconduct or to just making
errors in judgment compound themselves, whether
it's introducing contraband with inmates to other
issues is one way to get at this problem that it
doesn't fix the problem in pay, but it may at least
help fix the problem of people who just make
compromised ethical decisions. Could you speak
some to your process, Chief Ryan, because that was
an amazing statistic that you had?

   MR. RYAN: Most all of us have some sort
of process that sounds something like this.
There's recruiting, and we clearly go out and
recruit from all kinds of places. And I'm sending
my team up to Georgia for people getting out of the
service right now, just to talk to some folks up
there. So we recruit locally, from colleges, and
we recruit all around.

   We get the applications, and the application
is an extensive process to say you want the job,
obviously. And there's a test that comes right after that.

Now here's where we lose our first group. About only 60 percent of the folks actually show up for the test, so there's a huge number that leave at that point. You're sitting in the test, one of the first questions they ask are drug screening questions, have you had drugs in the last ten minutes or the last two hours or the last two years. And if you have, you may not want to take this test, and a group of folks will leave. Then you have your test.

On a rate of passage, it's generally between 70 and 80 percent. So once you actually take the test, and that's the written test that passes pretty good, but that's also followed up by an oral interview and a video test in which we have had some situations going down and we ask the person to evaluate the rules and write about them, so we can see writing skills as well. So you're doing that part of the process.

Now the oral part of it, our staff sits there and talks to the folks to see and get a feel for what they're all about. There's an extensive
background that is followed by that with a
polygraph and a physical exam as part of that. And
then we get to that point of it and they're
actually hired. We're talking about one out of 47
that actually get through that process to go into
hiring at this point.

Then we have an orientation week, at least
that, and there may be an extended period of time,
depending on where the academy is, but we actually
hire them in advance. They have a preofficer that
sort of walks around and we lose a couple here and
there saying, boy, I didn't know this was the job
that I was getting into.

And so they, in fact, then go from there to
the academy, a 16-week academy. There's a
curriculum there. And your commission may want to
look at curriculums to make sure because it starts
off with the Code of Ethics, the expectation of
being a correctional officer. What does that mean?
And there's one area that I have seen that needs to
be strengthened is that first hours when they walk
in and say, oh, I'm now in this business, what is

it really all about. So we then go through 16
weeks of that. We lose a couple throughout that
period time. And then right after that for
Florida's purposes, there's one week of
reorientation back into the business.
There is then a test, a certification test, that you actually have to take and pass to be licensed in Florida. It takes 30 days for that assessment. There's a 16-month overall probationary period. And the first period out of the academy is a three to 12 week, depending on how quickly you go through it, what we call JTO, jail training officer program in which we have the officer that walks with you and talks with you. And then from there on, there's a supervisor.

And then after you're off of probation, you received tenure. Then, in fact, every year, as mentioned here, there's 40 hours of training associated with it.

So that's kind of a process to go through, but we do cut out a whole bunch of folks along the way. As we get closer to the end, we're really refining it to the sense that the folks that are there should be our best expectation of meeting the standards and expectations of the job.

THE CHAIRMAN: What's your starting salary issue.

MR. RYAN: In essence, between 12 and 13 to $14 an hour, depending on where your experience has been. We pay higher than the Florida Department of Corrections and so we, in fact, have
folks coming from the Florida DOC in order to -- locally, to take jobs with us because our salaries are -- and that includes corporals and sergeants in their ranks that will come over to us to start.

THE CHAIRMAN: And what's the salary once the person becomes tenure?

MR. RYAN: Actually, you know, I can't remember in my head, but you can get up to $24 an hour, but it takes you between 12 to 18 years to get there.

MR. HORN: And, if I may, I do think salary matters. First of all, salary is going to affect the size of your applicant pool. The larger applicant pool, the more likely you are to get good quality people.

Secondly, salary and salary structure, as Judge Walton just referenced, has to do with turnover. Frequent staff turnover is inapplicable. Frequent staff turnover, you lose experience, you lose maturity, you lose judgment, and you have spent cost because you're constantly retraining and recruiting.

In New York City, I won't bore you with all the debates, but, first of all, there is a civil service examination. Secondly, every applicant is subject to an exhaustive prehiring background examination. It's a field investigation. It's a
field investigation, the same background
investigation that is done for New York City police
officers. Every applicant is subject to a
psychological evaluation. I'm not prepared to tell
you today the content of it or what it was
screening for, but obviously it's screening out
behaviors that we would prefer not to see in a
jail.

Every applicant is subject to medical
eexamination, including a urine test for drug use.
And then in addition to, as I said, a five-month
training academy. Every new officer is on
probation for two full years during which time
their performance is being monitored and assessed.

THE CHAIRMAN: We have about five minutes
now.

COMMISSIONER STRUCKMAN-JOHNSON: Welcome
and thank you for coming today. I have just
several comments. First of all, we have the hearts
and minds of people from South Dakota and Louisiana
and Gulf Coast victims. Students from our
university are regularly going down participating
in clean-up efforts, and the university has a book
drive going. They're trying to replenish some of
your libraries. We think of you every day.

Second comment: As well as doing surveys of
inmates, I have also done surveys of correctional staff and I do know that one of the main concerns that correctional officers have told me in my surveys is that kind of beyond recruiting and getting good people in, because the people look at themselves as good people, a big problem was the numbers.

For example, I had one survey from Nebraska in which the correctional officer said what do you do when there are only three to four officers watching three to 400 men out in the yard, how can you do it? You can have good people, but if you don't have enough good people, then where do you begin.

And one the primary concerns of inmates in the survey were that they be put in like -- for example, when they stay in the barracks is that they felt that sexual assault could be tamped down if there were enough people to make rounds at night. And over and over I have heard the comment, please get more officers, get them out making the rounds at night, and this would help enormously. So I do believe if you would -- well, I just think everybody here knows that we need more staff. So I would like that to be part of one of the recommendations that we push forward.

Now, here's this question. Guidance from
you would be appreciated. What do you think about segregating or not segregating openly gay men coming to the system either for detention in jails or longer term detention? Do you think there should be -- would you consider them a vulnerable population? How, for effective management, would you deal with this population?

MR. STALDER: Madam Commissioner, I believe that we have many, many special needs populations in our jails and prisons. We have very youthful offenders. We have very elderly offenders. We have female offenders who are special needs population. We have people with significant mental health problems as Commissioner Horn pointed out. And the population you described is a special needs population, and our classification systems have to be designed to promote the safety of that special needs population.

Now, I don't think that any of us would conclude that on a blanket basis segregation or no segregation should take place, but I can assure you that if someone is fragile, then they're going to need a different kind of attention than someone who is not fragile, and I don't think that we could
suggest that that vagility can be based solely on sexual orientation.

We have people who have to be dealt with in protective custody environments. And it is our responsibility and our duty to have the systems in place that will make sure that those who can adjust and live safely in general population do so, and those who can't, we have different opportunities to make sure that they're safe. And I just don't think that --

COMMISSIONER FELLNER: I'm not sure. Were you asking segregation -- putting them in disciplinary or administrative segregation or just a special -- because I think is what Secretary Stalder thought you were saying as opposed to a separate housing unit, for example, this general population for its own needs. Is that what you were asking?

COMMISSIONER STRUCKMAN-JOHNSON: Or it could go the other way.

MR. STALDER: I would speak -- as secretary of public safety and corrections in Louisiana, I'm continuing to speak for ASCA on this because I don't know what our membership believes. I will tell you that in my opinion labeling people is bad, that if you try to say we're going to have a housing area and everybody there is mentally
retarded and you're going to have another house
here and everybody there is gay, we're going to
have another housing area and everybody there is
very young, that those kinds of things lead to
labeling and lead to dysfunction later, and that
what we need to do is try to figure out can people
live safely together, make sure that we promote
that level of safety, and make sure that our
classification systems are objective and rigorous
in order to ensure that we don't place people in
situations where they are at risk.

And, again, I don't think you can simply say
that sexual orientation is the factor that would
determine that. I mean one of our biggest issues
now is cross gender supervision. I would ask this
commission to consider very carefully the issue of
cross gender supervision. And I would suggest to
you again solely as secretary of public safety and
corrections in Louisiana that cross gender
supervision of showering and toileting is dangerous
and that it promotes people not being supervised
properly because the cross gender person doesn't
want to look or watch, that it promotes building
all kinds of barriers so that you don't have sight,
that you need to be able to properly supervise
people in showers and toileting, and that today the
stigma of sexual abuse, staff on inmate, is not a stigma that we all kind of conceptionalize as men are doing bad things to women in prison, that if -- we have to be very careful and very attentive to our female staff who work with male inmates as well as our male staff who work with females.

Those are the kinds of issues, when we look at classification, when we look at assignment, when we look at training, that we've got to really pay attention to. And I know I went out in left field on the cross gender supervision, but I just hope you make a note of that because that's something that could be very important for this commission to explore.

MR. HORN: And if I may, I want to align myself 100 percent with everything that Richard said, I could not have said it better, and add one thing for your consideration. The city of New York today, right this day, 40 percent of the correctional officers in the New York City Department of Corrections are women, 40 percent. With a population of 14,000, only 1600 of them are women. Forty percent of my officers are women.

My last three recruit classes, approximately 50 percent of the new officers are women. In the next three years, 1/3 of my workforce is eligible to retire. Three years from today more than 50
percent of the officers in New York City will be
women supervising men. We're going to have to deal
with this issue of cross gender supervision.

COMMISSIONER AIKEN: Mr. Chairman, I have
one comment and one question and I'll be very rapid

with it. My comment is this: I know what
cooporation is all about in the prison context.
Director Lappin of BOP, all of you that know me
know that I've taken over facilities and agencies
that were best terms as critical and unstable. And
I've called the BOP and asked for help. And I
didn't get meetings; I didn't get a policy manual;
I didn't get a standards manual; I got boots on the
ground. Those people were there on a Sunday
morning at 2:00 a.m. on the third shift. And some
of them stayed for years and I didn't have to pay
for them. That's the cooperation from the BOP.

ACA [Exec Dir] Jim Gondles, when I called him for
help, he didn't send me a policy manual or
standards, he came personally with a team, and they
were there, not just one day, but around the clock
to help address the culture issues. And NIC with
Morris Thigpen, you know, I didn't have to wait
six, seven months and paperwork flying back and
forth. I have made requests on the telephone and
experts who were in the air, literally, that
afternoon to help deal with crises. So I know what cooperation is all about and, yes, this commission has a mandate as set forth by congress and signed into law, and we're asking for the same openness that I have personally experienced and I know that you'll receive, and I want to publicly thank the agencies and people that I just named as well as a multitude of others.

The question is this: We talk about standards; we talk about the policies; we talk about overcrowding; we talk about the lack of resource, but in reality, what about our culture? And that was mentioned earlier. What do you do and what are some no nonsense practical things that you would recommend, and this is an open question, that will impact the culture, not just the formal chain of command, I'm talking about the informal culture that exists in just about any organization. What are some of the practical no nonsense approaches would you recommend for us to address the informal cultural aspects of prison rape and sexual intimidation and violence within confined facilities?

MR. RYAN: Let me offer a quick thought. When I began in the Orange County corrections
department as a leader of the organization, I sat
down and outlined six expectations that I had every
officer, every employee, every person who was in
the department. And within the first 30 days, via
that video, because I would not be with them all, I
had them sign a document indicating that they
understood the expectations from the code of ethics
to truthfulness to no sexual discrimination to
retaliation and that they had all to seek and
understand. And then I had to follow through the
last four years in ensuring that if you want to
have a meeting to ensure the expectations, the
leaders like all of us need to sit down and tell
all of our staff our expectations, and we do, and
that was one way that we used to do it.

MR. HORN: I would certainly agree. The
first thing, it has to start at the top and you
have to talk about it. And if we don't talk about
it, the people under us won't. We have to talk
about it all the time. You have to promote people

who internalize that culture and reflect that
culture and not promote people who don't. You have
to hold people accountable as far as their
evaluation process.

Potentially, culture is passed by word of
mouth and by behavior. You have to walk the walk
and talk the talk. You have to do it consistently. You can't sell out. You have to be willing to take the anger that people may direct at you for trying to change the culture.

In New York City in the last three years, we've tried to increase the penalties, for example, for officers who use force improperly, including termination where it's called for, tremendous backlash from the public employee unions. But three years have come and gone and the city and the mayor have held the line and we've got things where we want them or at least we're moving in that direction. You have to hold your breath for a while.

THE CHAIRMAN: We are off schedule, so we will have to stop at this time, but I want to thank all of you for your testimony. I think the fact that we're off schedule is a reflection of how much you have to offer to us. And we hope that your dialogue will continue. I can assure you that we look forward to being active and attending your meeting and continuing to talk to you and we welcome further victim comments from you or call us any time you'd like to if you have ideas about what you think we should be doing. And I can assure you as we write our standards and as we prepare our report, we will have further discussions with you.
on the issues that are of mutual interest and importance to us. So we will take a ten-minute break rather than 15. Thank you.

Oh, one other thing. I was asked to ask the panelist if you could supply to us your staff's screening test that you use for new employees.

MR. HORN: A Copy of what?

THE CHAIRMAN: Your staff screening test that you use to screen new employees if you have one, civil service test, and if you have a video on the six expectations. If you could get us that, we'd appreciate it.

(Brief recess at 10:37 a.m.)

THE CHAIRMAN: Our next panel is entitled Effective Corrections Management: Sexual Assault, the Indicators and the Impact on Institutional Stability. Our three panelists are Director Lappin from the Federal Bureau of Prisons; Jail Administrator, Cynthia Malm from Idaho and Commissioner Kathleen Dennehy from Massachusetts. We thank all of you for your presence.

If you could please stand and take the oath, we'd appreciate it.

(Panel sworn)

THE CHAIRMAN: We'll proceed in the order in which you're listed on the agenda with Director